IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO :36314 of 1998

Dated: 17.04.2007

Between:
Boddu Sathiraju, S/o Pullayya @ Raju,
53 years, Business, R/o Kakinada,
East Godavari District.

..... PETITIONER

AND

Mandal Revenue Officer, Pedapudi,
Pedapuri Mandal, East Godavari District. ....RESPONDENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.36314 of 1998

ORDER:

Petitioner seeks a Writ of Mandamus declaring the notice dated 21.10.1998 issued by the respondent-Mandal Revenue Officer for granting of pattas to the persons in Sy.No.213/3A admeasuring Ac.1.06 as illegal and arbitrary and consequently direct the respondent to desist from acting on the notice issued under Section 4 of the Occupants of Home Steads Act and from issuing D-form pattas in respect of the said land.

The case of the petitioner is that he is the owner of an extent of Ac.1.06 cents in Sy.No.213/3A of Peddada village, East Godavari District. The grievance of the petitioner is that the respondent-Mandal Revenue Officer issued a notice dated 21.10.1998 stating that

about 33 individuals were in possession of the land in question for a long time, having constructed houses therein and that they had sought issuance of pattas in respect of the said land and further directed the petitioner to appear before him on 28.10.1998 at 11 A.M. along with title deeds in respect of the land. It is stated that the petitioner has received the said notice on 02.11.1998 for which he offered an explanation on 09.11.1998. Petitioner alleges that the respondent without considering the said explanation is proceeding to issue D-form pattas in favour of the said 33 persons, as if the land belonged to the Government.

While admitting this writ petition, this Court, on 30.12.1998, granted interim stay of all further proceedings.

Having regard to the facts and circumstances of the case, the respondent-Mandal Revenue Officer is directed to pass a detailed order after considering the explanation dated 09.11.1998 submitted by the petitioner to the notice dated 21.10.1998, in accordance with law.

Subject to the above observation, this writ petition is disposed of. No costs.

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(GOPALA KRISHNA TAMADA, J)

17-04-2007
Gsn.